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SUPREME COURT, U. S.

No. 72-1554

Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

SUPER TIRE ENGINEERING COMPANY;
SUPERCAP CORPORATION; and
A. ROBERT SCHAEVITZ,
Petitioners,

vs.

LLOYD W. MCCORKLE, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit

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SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

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WILSON - EPES PRINTING CO., INC. - RE 7-6002 - WASHINGTON, D. C. 20001

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Since the submission of the Petition for Writ of Certiorari, another panel of the Third Circuit has issued a decision on mootness in a labor context which directly conflicts with the decision of that Court in the instant case. In this case, although the Court recognized that "review may be unavailable in the majority of cases such as this", the panel majority concluded that the present controversy was moot since there was a "settlement of the underlying labor dispute". App. 2 Pet., pp. A15,

A20. In *Pittsburgh Newspaper Printing Pressman's Union No. 9* v. *Pittsburgh Press Company*, —— F2d ——, 83 LRRM 2349 (May 25, 1973), the underlying labor dispute had also been resolved and the relief sought already granted. The Court held, nevertheless, that the appeal was "not moot because the issues involved are 'capable of repetition yet evading review', *Roe* v. *Wade*, 41 L.W. 4213, 4217 (1973); *Avco Corp.* v. *Local 787, Autoworkers*, 459 F2d 968, 974, 80 LRRM 2290 (Third Cir. 1972); *Pacific Maritime Ass'n.* v. *International Longshoremen's Union*, 454 F2d 262, 79 LRRM 2116 (Ninth Cir. 1971)."

Review of the instant case is, therefore, warranted not only to resolve the conflict between the decision below and decisions of other Courts of Appeals and that Court (see Petition, pp. 5-13), but to resolve the conflict in the Third Circuit between the instant case and *Printing Pressman* as well.

Respectfully submitted,

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MEMORANDUM IN LIEU OF BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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